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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,403	03/29/2001	Tore Fosse	VCC0082-US	3278

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EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,403

Applicant(s)

FOSSE ET AL.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,22 and 27-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Acknowledgements

The Amendment filed on March 18, 2003 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, and 27 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barenyi (US 3,800,604) and further in view of Fohl (EP 0691245). Barenyi discloses a hub (see bottom of 7 in Fig. 2) for fixing to a steering column, a substantially conical bowl-shaped element (see Fig. 2) with a plurality of spokes (2 in Fig. 1), the spokes connected by a reinforcing element (9 in Fig. 1) and further connecting the bowl-shaped element to a steering wheel rim (10 in Fig. 2), the bowl-shaped element further comprising an upper shell part (4 in Fig. 2) and lower shell part (7 in Fig. 2), the upper shell part having larger outer dimensions than the lower shell part and the upper and lower shell parts are connected by a ledge extending substantially radially outwardly from the lower shell part to the upper shell part (see attachment). However, Barenyi does not disclose an airbag or casing with a wall section of the bowl-shaped element at least partly forming part of the means for inflating the airbag. Fohl discloses a vehicle steering wheel including a lower portion (40 in fig. 3) with an integral hub shaped to receive an airbag (24 in Fig. 1), with a wall section of the lower portion of the hub at least partly forming a part of the means for inflating the airbag, in order to provide ease in inserting an airbag into a

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vehicle steering wheel. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barenyi by adding an airbag and lower portion with a wall section that at least partly forms a part of the means for inflating the airbag in order to provide an easier way to insert an airbag into a steering wheel assembly, as taught by Fohl. Regarding the hub, bowl shaped element, and spokes being integrally formed, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Regarding Claims 28, 29, 35, 36, and 39 – 42 when the applicant claims an operation or characteristic of a device not explicitly disclosed in a prior art reference, the U.S. Patent and Trademark Office “possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on.” *In re Ludtke and Sloan*, 169 USPQ 563, 566 (CCPA 1971). The applicant is required to prove that the subject matter shown would not have the weight distribution, dimensioning, and deformation characteristics as claimed.

Response to Arguments

Applicant's arguments with respect to claims 21, 22, and 27 – 42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sadler (US 4,960,292) discloses an air bag restraint system. Nagata et al. (US

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5,878,629) discloses a steering wheel assembly. Linder (US 5,425,552) discloses a vehicle airbag and method of folding same. Hongou et al. (US 5,356,173) discloses a steering wheel unit including air bag module. Tsuda (US 3,714,844) discloses a steering wheel consisting of a light frame integral moulding, processed from a flat plate. Sakurai et al. (US 5,787,762) discloses a method of attaching a pad module on a steering wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DEANNA L. DRAPER
PATENT EXAMINER

dld
June 2, 2003


 6/2/03
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

FIG. 1

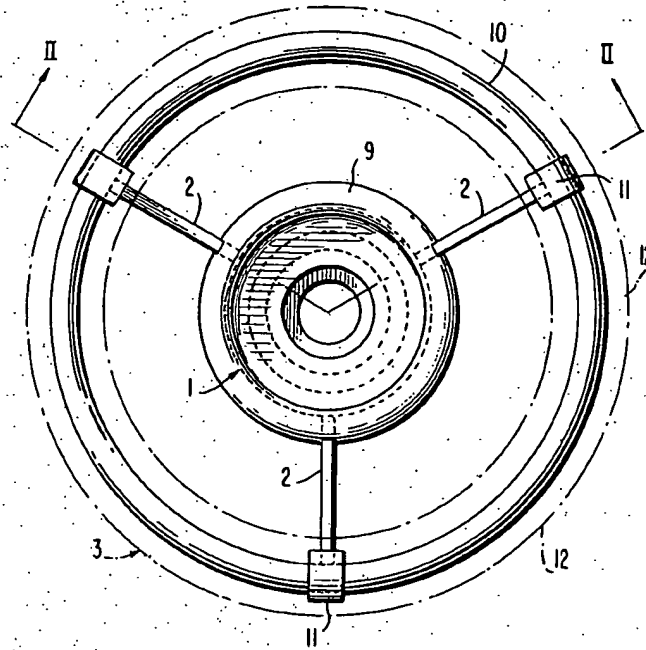


FIG. 2

